

SENATOR ELMER: The only...

SENATOR DIERKS: ..are controlled by the NRD, right?

SENATOR ELMER: One class is.

SENATOR COORDSEN: Time.

SENATOR ELMER: The other class is not at this time.

SENATOR COORDSEN: Thank you, Senator Dierks. Senator Jones.

SENATOR JONES: I'd like to yield my time to Senator Dierks.

SENATOR COORDSEN: Senator Dierks.

SENATOR DIERKS: Senator Elmer, are interstate compacts and decrees, are they federal laws?

SENATOR ELMER: Yes, they are.

SENATOR DIERKS: Isn't it true that federal law takes precedent over state law?

SENATOR ELMER: Yes, it is.

SENATOR DIERKS: If Nebraska is, in fact, violating a federal compact, the Governor or state Water Resources director already has the power and duty to comply with the federal law under the supremacy clause of the U.S. Constitution, doesn't it?

SENATOR ELMER: It is not completely established whether or not we actually are in violation of the compact. The data that we need has not been collected to the extent to show whether our ground water pumping in the Republican River puts us in violation of our compact with Kansas. Kansas claims so. Nebraska does not think so. We are going to try to collect data to protect Nebraska's interests. We do not admit we are in violation of that compact, but we want to have tools so that we can remain in compliance if we need to.

SENATOR DIERKS: I think it's a good reason, another good reason why 108 isn't needed. We have federal laws that take care of these things. Our state...